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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/894,815	06/28/2001	Bernd Burchard	56432-45107	4105
21874	7590	02/09/2004		
EDWARDS & ANGELL, LLP P.O. BOX 55874 BOSTON, MA 02205			EXAMINER DESIR, JEAN WICEL	
			ART UNIT	PAPER NUMBER
			2614	9

DATE MAILED: 02/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/894,815

Applicant(s)

BURCHARD ET AL.

Examiner

Jean W. Désir

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 November 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reitmeier (US 6,549,240). (*This is the same rejection in the last Office Action, mailed on 9/23/03*).

Claim 1:

Reitmeier discloses:

“a first device which acts on a video signal with graphical picture elements and text characters to produce a first device output video signal”, see Fig. 1 item 120;

“a second device which converts a frame rate of the first device output video signal to produce an increased frame rate video signal”, see Fig. 1 items 130-160, col. 13 lines 52-55, col. 5 lines 41-51;

“a driver stage which drives a display responsive to the increased frame rate video signal”, see Fig. 1 items 170, 175;

the difference between the claimed invention and Reitmeier's disclosure is that Reitmeier does not explicitly say that the first device acts on the video signal with graphical picture elements and text characters. However, Official Notice is taken,

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overlay graphical picture elements and text characters onto a video signal, as claimed, is a very well known procedure in the art that would provide to viewer on-screen display information; thus, an artisan would be motivated to implement this well known feature in Reitmeier's disclosure to arrive at the claimed invention, this implementation would provide graphical/texture information to the viewer. Therefore, the claimed invention would have been obvious to a person of ordinary skill in the art at the time the invention was made.

Claim 2 is disclosed, see Fig. 1 item 160 which is a picture storage device as claimed.

Claim 3 is disclosed, see col. 5 lines 26-51.

Claims 4, 5 are disclosed, see col. 4 line 58 to col. 5 line 18.

Claim 6 is disclosed, see col. 4 lines 47-60.

Claim 7:

the claimed "a least one input stage for receiving compressed picture data from at least one transmission medium; and at least one decoding unit for converting the picture data into digital pixel data of an overall data stream which is fed to the first device" is met, see Fig. 1 item 104-108, col. 3 lines 27-29, 60-62.

Claims 8-14 are rejected for the same reasons as claims 1-7.

Response to Arguments

3. Applicant's arguments have been fully considered but they are not persuasive.

The Applicants argue against the Official Notice taken in the last Office Action which is repeated above, and request the Office to provide evidence; and arguing that

"Indeed, Reitmeier provides no such motivation or reason and it is black letter law that is impermissible for the Examiner to read teachings into a reference which are simply not there. Accordingly, for this additional reason the subject claims are not rendered obvious by Reitmeier".

As requested by the Applicants, the reference (US 6,606,128) to Hanafée et al is provided; the reference clearly shows the very well known feature discussed in the rejection (see the ABSTRACT line 10 to last line, also Figs. 3-7), that is to say, disclosure of video signal with graphical picture elements and text characters. And Reitmeier clearly disclosed a first device which acts on a video signal with other information (see Fig. 1 item 120 as pointed out in the rejection, and also col. 4 lines 42-43); thus, contrary to the Applicants' arguments, Reitmeier provides motivation because his disclosure acts on video signal with other information.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of


the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean W. Désir whose telephone number is (703) 308 9571. The examiner can normally be reached on 5/4/9 - First Friday Off.

6. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller can be reached on (703) 305 4795. The fax phone number for the organization where this application or proceeding is assigned is (703) 872 9306.

7. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306 0377.

JWD
Feb. 4, 04


MICHAEL H. LEE
PRIMARY EXAMINER